

**TOWN OF BIG FLATS  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

**OCTOBER 18, 2016**

Town Hall  
Meeting Room  
7:00pm

---

Members Present: Don Williams, Heather Hanson, Richard Seely, Don Robbins, Diane Lantz

Members Absent: None

Staff Present: Brenda Belmonte

Guests: Mike Smith, Patrick Ervin

---

Minutes  
September 27, 2016

**Motion by Seely, seconded by Robbins, to approve the minutes of September 27, 2016, as amended, Discussion; None, Motion Carries 4-0 with Lantz abstaining.**

**PUBLIC HEARINGS**

**SMITH AREA VARIANCE  
2844 NYS ROUTE 352  
TAX PARCEL # 77.00-1-3**

Chair Williams opened the public hearing at 7:00pm, noting it had been duly published in the Star Gazette.

Speaking for: Applicant, Mike Smith

Speaking against: None

Public Hearing closed at 7:03pm

**EMHART GLASS SIGN AREA VARIANCE  
74 KAHLER ROAD NORTH  
TAX PARCEL # 57.02-2-12.2**

Chair Williams opened the public hearing at 7:05pm, noting it had been duly published in the Star Gazette.

Speaking for: Patrick Ervin, representing Emhart Glass

Speaking against: None

Public Hearing closed at 7:06pm

**RESOLUTION ZBA-20-2016  
EMHART SIGN AREA VARIANCE GRANTED  
74 KAHLER ROAD NORTH  
TAX PARCEL # 57.02-2-12.2**

Resolution by: Robbins

Seconded by: Seely

**WHEREAS**, the Zoning Board of Appeals of the Town of Big Flats received an application August 24, 2016, from Emhart Glass, 74 Kahler Road North, owner of tax parcel #57.02-2-12.2, and

**WHEREAS**, the applicant requests relief from Chapter 17.52.50(G) of the Town of Big Flats Zoning Law; "*Sign Requirements for a Business or Industrial Use*"; and

**WHEREAS**, the Town of Big Flats Planning Board returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation to grant the variance; and

**WHEREAS**, the Town of Big Flats Code Enforcement staff provided a staff report from Southern Tier Central Regional Planning of the Southern Tier (STC) dated August 30, 2016; and

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and therefore does not warrant an environmental review; and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

**WHEREAS**, this board reviewed the following criteria questions:

1. Whether an undesirable change will be produced in the character of the neighborhood.  
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass; Lantz, Pass
2. Whether the benefit sought can be achieved by some other method than the area variance.  
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass; Lantz, Pass
3. Whether the requested area variance is substantial.  
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass; Lantz, Pass
4. Whether the proposed area variance will have an adverse effect on the neighborhood.  
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass; Lantz, Pass

5. Whether the alleged difficulty of compliance was self-created.  
Williams, Fail; Hanson, Fail; Seely, Fail; Robbins, Fail; Lantz, Fail

**WHEREAS**, this board held a Public Hearing on October 18, 2016 to consider the Area Variance, and

**THEREFORE BE IT RESOLVED**, the Zoning Board of Appeals of the Town of Big Flats hereby grants the area variance as submitted.

**AYES:** Williams, Hanson, Robbins, Seely, Lantz

**NAYS:**

**ABSTAINED:**

Dated: Tuesday, October 18, 2016  
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats  
Don Williams, Chairman

**RESOLUTION ZBA-21-2016**  
**SMITH AREA VARIANCE GRANTED**  
**2844 NYS ROUTE 352**  
**Tax Parcel # 77.00-1-3**

Resolution by: Seely  
Seconded by: Hanson

**WHEREAS**, the Zoning Board of Appeals of the Town of Big Flats received an application August 9, 2016, from Michael Smith, 46 Curren Road, owner of tax parcel #77.00-1-3, located at 2844 NYS Route 352, and

**WHEREAS**, the applicant requests relief from Chapter 17.40.60 of the Town of Big Flats Zoning Law; "*Definition of Lot*"; and

**WHEREAS**, the Town of Big Flats Planning Board returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation to grant the variance; and

**WHEREAS**, the Town of Big Flats Code Enforcement staff provided a staff report from Southern Tier Central Regional Planning of the Southern Tier (STC) dated August 29, 2016; and

**WHEREAS**, this board reviewed the following criteria questions:

1. Whether an undesirable change will be produced in the character of the neighborhood.  
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass  
*The area across from Route 352 will remain farmland.*



2. Whether the benefit sought can be achieved by some other method.  
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass  
*Applicant cannot give up current business. No other feasible way to comply with town requirement of five (5) acres.*
3. Whether the requested area variance is substantial.  
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass  
*Not substantial in comparison with the ~200 acres owned by applicant.*
4. Whether the proposed variance will have an adverse effect on the neighborhood.  
Williams, Pass; Hanson, Pass; Seely, Pass; Robbins, Pass  
*The land will remain vacant farm land.*
5. Whether the alleged difficulty of compliance was self-created.  
Williams, Fail; Hanson, Fail; Seely, Fail; Robbins, Fail  
*Most variance requests are self-created.*

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and therefore does not warrant an environmental review; and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

**FURTHER RESOLVED**, this board held a Public Hearing on October 18, 2016, and considered the requested Area Variance.

**THEREFORE BE IT RESOLVED**, the Zoning Board of Appeals of the Town of Big Flats hereby grants the area variance as submitted.

**AYES:** Williams, Hanson, Robbins, Seely, Lantz

**NAYS:**

**ABSTAINED:**

Dated: Tuesday, October 18, 2016  
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats  
Don Williams, Chairman

**Motion by Seely, seconded by Robbins, to adjourn at 7:20pm, Discussion; None, Motion Carries, 5-0.**